

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

MICHAEL NITTOLO,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

Civ. Action No. 2:06-cv-194 (KSH)  
Crim. Action No. 01-262 (KSH)

**ORDER**

**Katharine S. Hayden, U.S.D.J.**

For the reasons expressed in the opinion filed herewith,

**IT IS** on this 20th day of October 2008,

**ORDERED** that petitioner's motion brought pursuant to 28 U.S.C. §2255 is **denied**; and  
it is further

**ORDERED** that petitioner's application for a certificate of appealability is **denied**; and it  
is further

**ORDERED** that the Clerk of Court shall mark the within matter closed.

/s/ Katharine S. Hayden  
Katharine S. Hayden, U.S.D.J.

Dated: October 20, 2008